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	OASY-00	DODE-00	EAP-01	EB-01	EUR-01	HA-09	H-01
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O 130922Z MAY 94  
FM USMISSION GENEVA  
TO SECSTATE WASHDC IMMEDIATE 9300  
INFO AMEMBASSY ADDIS ABABA  
AMEMBASSY BRUSSELS  
AMEMBASSY CAIRO  
AMEMBASSY KHARTOUM  
AMEMBASSY KIGALI  
AMEMBASSY BUJUMBURA  
AMEMBASSY DAR ES SALAAM  
AMEMBASSY KAMPALA  
AMEMBASSY KINSHASA  
AMEMBASSY DAKAR  
AMEMBASSY PRETORIA

C O N F I D E N T I A L SECTION 01 OF 05 GENEVA 04478

USUN PLEASE PASS AMBASSADOR-DESIGNATE FERRARO

E.O. 12356: DECL: OADR  
TAGS: PHUM, UNHRC-1, RW

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PAGE 02 GENEVA 04478 01 OF 05 130918Z  
SUBJECT: UN HUMAN RIGHTS COMMISSION: RECOMMENDATIONS  
FOR SPECIAL SESSION ON RWANDA

REF: GENEVA 4387

1. CONFIDENTIAL - ENTIRE TEXT.

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SUMMARY  
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2. THERE APPEARS TO BE BROAD SUPPORT FOR THE CANADIAN CALL FOR A SPECIAL SESSION OF THE HUMAN RIGHTS COMMISSION (UNHRC) ON RWANDA; MOST WEOG, EAST EUROPEAN, LATIN AMERICAN, AND AFRICAN DELEGATIONS PLAN TO SUBMIT LETTERS OF SUPPORT TO THE HUMAN RIGHTS CENTER. THE SESSION MAY BEGIN AS EARLY AS MAY 19. MANY STATES WOULD HAVE PREFERRED TO HAVE AN AFRICAN STATE CALL THE SPECIAL SESSION. THERE IS AN ERRONEOUS PERCEPTION AMONG SOME DELEGATIONS THAT THE U.S. IS BEHIND THE CALL FOR A SPECIAL SESSION; THIS COULD MAKE IT MORE DIFFICULT TO ACHIEVE OUR OBJECTIVES. TACTICALLY, WE SHOULD KEEP THE CANADIANS AND SUPPORTIVE AFRICANS OUT FRONT.

3. WE HAVE HAD A NUMBER OF DISCUSSIONS ON THE POSSIBLE OUTCOME OF THE SESSION. SUBJECT TO ANY FURTHER RECOMMENDATIONS BY THE HIGH COMMISSIONER FOR HUMAN RIGHTS (HCHR) ON HIS RETURN TO GENEVA, WE BELIEVE WE SHOULD WORK TOWARDS A RESOLUTION THAT:

- CONDEMNS HUMAN RIGHTS VIOLATIONS;  
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- SUPPORTS THE HCHR'S EFFORTS;
- APPOINTS A SPECIAL RAPPOORTEUR OR A TEAM OF EXISTING THEMATIC RAPPOORTEURS TO VISIT AND TO INVESTIGATE HUMAN RIGHTS VIOLATIONS IN RWANDA, AND TO REPORT BACK PROMPTLY;
- HOLDS INDIVIDUALS RESPONSIBLE FOR THEIR CRIMES;
- CALLS FOR A HUMAN RIGHTS ELEMENT TO BE INCLUDED IN ANY UN OPERATION IN RWANDA;
- URGES PROTECTION FOR PEOPLE STILL EXPOSED TO POSSIBLE VIOLENCE; AND
- AUTHORIZES A PROGRAM OF HUMAN RIGHTS ADVISORY SERVICES ONCE THE SITUATION IN RWANDA HAS STABILIZED.

4. WE SHOULD ALSO WORK FOR HUMAN RIGHTS MONITORS FOR RWANDA, ALTHOUGH WE BELIEVE IT WOULD BE PREFERABLE FOR THE HCHR TO UNDERTAKE THIS UNILATERALLY, WITHOUT SEEKING THE UNHRC'S SPECIFIC AUTHORIZATION. TO THE EXTENT THE

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SPECIAL SESSION IS ABLE TO FOCUS ALSO ON BURUNDI, WE BELIEVE IT SHOULD AUTHORIZE ADVISORY SERVICES AND PREVENTIVE MEASURES. WE CAN EXPECT POINTS OF CONTROVERSY WITH SOME AFRICAN DELEGATIONS, WHICH ARE LIKELY TO CALL FOR ACTIONS MORE APPROPRIATE FOR THE SECURITY COUNCIL THAN THE COMMISSION. END SUMMARY.

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STATUS REPORT  
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5. AS OF MID-MORNING MAY 13, THE HUMAN RIGHTS CENTER HAD RECEIVED LETTERS FROM THIRTEEN MEMBERS OF THE HUMAN RIGHTS COMMISSION ENDORSING THE CANADIAN CALL FOR A SPECIAL SESSION ON RWANDA. THE AFFIRMATIVE RESPONSES, IN ORDER OF RECEIPT, ARE FROM CANADA, THE U.S., LESOTHO, MAURITIUS, THE U.S., AUSTRALIA, KOREA, COSTA RICA, ECUADOR, NIGERIA, PERU, TOGO, BULGARIA, AND CYPRUS.

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6. MANY OTHER UNHRC MEMBERS ALSO INTEND TO SUPPORT THE CANADIAN INITIATIVE. THE EUROPEAN UNION MEMBERS OF THE COMMISSION WILL SUBMIT THEIR AFFIRMATIVE RESPONSES THE AFTERNOON OF MAY 13. THE EUROPEANS DELIBERATELY DELAYED IN ORDER TO AVOID GIVING THE IMPRESSION THAT THE SESSION IS A PURELY WESTERN INITIATIVE; THEY HOPED SEVERAL AFRICANS WOULD RESPOND BEFORE THEY DID. THE PERUVIAN MISSION, COORDINATOR OF THE LATIN GROUP, TELLS US THAT ALL LATIN UNHRC MEMBERS EXCEPT CUBA, MEXICO AND BARBADOS PLAN TO SUBMIT SUPPORTIVE LETTERS BEFORE THE DEADLINE. (BARBADOS IS NOT REPRESENTED IN GENEVA. THE GOB CAN, HOWEVER, SUBMIT ITS RESPONSE TO THE HUMAN RIGHTS CENTER BY FAX: 41-22-917- 0214.) THE NIGERIAN MISSION IS ATTEMPTING TO GALVANIZE AFRICAN SUPPORT FOR THE SPECIAL SESSION. AT A MEETING OF MOST BLACK AFRICAN UNHRC MEMBERS AT THE NIGERIAN MISSION MAY 11, ONLY SUDAN EXPRESSED OPPOSITION TO A SPECIAL SESSION. THE EAST

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EUROPEANS WITH WHOM WE HAVE SPOKEN ARE ALSO SUPPORTIVE.

7. IN A CONVERSATION LATE MAY 11, THE CANADIAN CHARGE EXPRESSED STRONG CONFIDENCE THAT THE SESSION WOULD BE APPROVED BY A HEALTHY MARGIN. HE OFFERED HIS THANKS FOR THE U.S. ROLE IN HELPING TO GATHER SUPPORT FOR THE SESSION.

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ARRANGEMENTS FOR A SESSION  
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8. UNDER THE RULES ADOPTED IN 1993 FOR CONVENING SPECIAL SESSIONS, THE SESSION SHOULD CONVEENE BETWEEN FOUR AND SIX UN WORKING DAYS AFTER THE DEADLINE FOR RECEIPT OF RESPONSES. IN THIS CASE, THEREFORE, THE SESSION WOULD BEGIN MAY 20, 24 OR 25. UNHRC CHAIRMAN PETER PALTHE TOLD US HE PREFERS HOLDING THE MEETING AS SOON AS POSSIBLE. AT HIS REQUEST, THE HUMAN RIGHTS CENTER IS EXPLORING WHETHER THE SESSION CAN CONVEENE MAY 19 IF THE REQUIRED 27 AFFIRMATIVE RESPONSES ARE RECEIVED BY MAY 13. COMMISSION SECRETARY JOHN PACE TOLD US THE CENTER HAS MADE ARRANGEMENTS TO CONVEENE THE SPECIAL SESSION EITHER ON MAY 19-20 OR MAY 24-25. AS AN ALTERNATIVE, THE CENTER IS ALSO PREPARED TO STAFF A ONE-DAY MEETING MAY 20 THAT COULD LAST INTO THE EVENING.

9. MOST MISSIONS WITH WHICH WE HAVE SPOKEN EXPECT TO BE REPRESENTED AT THE SPECIAL SESSION BY THEIR LOCAL AMBASSADORS. A FEW EUROPEAN COUNTRIES ANTICIPATE REPRESENTATIVES FROM CAPITALS. IN VIEW OF U.S. INTEREST IN AND LEADERSHIP ON THE RWANDA ISSUE, WE URGE ATTENDANCE BY A SENIOR U.S. REPRESENTATIVE. ASSISTANT SECRETARY SHATTUCK WOULD HAVE SPECIAL CREDIBILITY IN THE WAKE OF HIS VISIT TO THE REGION. U.S. REPRESENTATIVE TO THE UNHRC GERALDINE FERRARO COULD ALSO MAKE AN IMPORTANT CONTRIBUTION.

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ATMOSPHERICS

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10. PRELIMINARY PREPARATIONS FOR THE SPECIAL SESSION ARE BEING UNDERTAKEN IN A GENERALLY POSITIVE ATMOSPHERE. MANY WESTERN DELEGATIONS WOULD HAVE PREFERRED FOR AN AFRICAN STATE TO HAVE CALLED THE SPECIAL SESSION. AN AFRICAN REPRESENTATIVE TOLD US THE AFRICANS WERE IMMEDIATELY SUPPORTIVE OF AYALA LASSO'S PROPOSAL FOR THE SESSION, BUT WERE RELUCTANT TO CALL FORMALLY FOR ONE FOR FEAR WESTERN COUNTRIES WOULD BE OPPOSED. THE NIGERIANS TELL US THEY HAD BEEN PLANNING TO MAKE THE CALL ON MAY 13, BUT WERE PRE-EMPTED BY THE CANADIANS. STILL, THE NIGERIANS ARE ACTIVELY SUPPORTING THE CANADIAN CALL. AT OUR REQUEST, THE SENEGALESE ARE

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ALSO CANVASSING FOR SUPPORT. MAURITIUS WAS THE FIRST GENEVA-BASED AFRICAN MISSION TO SUBMIT A POSITIVE RESPONSE. THE CANADIANS ARE ACTIVE IN BOTH GENEVA AND IN CAPITALS. THE ASIAN RESPONSE SO FAR HAS BEEN MUTED.

11. ON A SLIGHTLY MORE SOUR NOTE, WE HAVE HEARD RUMBLINGS THAT SOME DEVELOPING COUNTRIES PERCEIVE MISTAKENLY THAT AYALA LASSO CALLED FOR A SPECIAL SESSION OF THE COMMISSION AS A RESULT OF U.S. PRESSURE. WE HAVE, OF COURSE, DENIED SUCH ALLEGATIONS. STILL, GIVEN OUR ENERGETIC SUPPORT FOR THE HIGH COMMISSIONER AND OUR PROMPT AND ACTIVE LOBBYING EFFORTS IN CAPITALS IN SUPPORT OF THE CANADIAN PROPOSAL, IT WILL BE HARD TO DISPEL THE PERCEPTION. INDEED, MANY GOVERNMENTS FIRST HEARD OF THE PROPOSED SPECIAL SESSION WHEN AMERICAN AMBASSADORS APPROACHED THEM IN CAPITALS. THE MISPERCEPTION COULD CAUSE US PROBLEMS. IN THE HIGHLY POLITICAL AND OFTEN FRACTIOUS ENVIRONMENT OF THE UNHRC, ANY U.S. INITIATIVE ON A COUNTRY SITUATION TENDS TO GENERATE CONTROVERSY AND A CERTAIN AMOUNT OF AUTOMATIC OPPOSITION. TACTICALLY, WE WOULD DO WELL TO KEEP THE CANADIANS (WHO ARE EXTREMELY CAPABLE IN THE UNHRC CONTEXT) AND FRIENDLY AFRICANS OUT IN FRONT. THIS WOULD NOT PREVENT US FROM MAINTAINING AN ACTIVE POSTURE AND BEING A FULL AND INFLUENTIAL PARTICIPANT IN THE NEGOTIATIONS LEADING TO A RESOLUTION.

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12. THERE MAY BE SOME CONTROVERSY ABOUT THE MECHANICS OF A RESOLUTION. THE CANADIANS HOPE TO KEEP CONTROL OF THE DRAFTING PROCESS. NIGERIA, HOWEVER, HAS ARGUED THAT THE AFRICANS SHOULD INITIATE THE RESOLUTION. WE HAVE URGED THE CANADIANS AND NIGERIANS TO WORK TOGETHER AND TO SEEK OTHER CONSTRUCTIVE PARTNERS, INCLUDING OURSELVES. WE HAVE ARGUED THAT THE SESSION SHOULD PRODUCE A SINGLE RESOLUTION, PREFERABLY ADOPTED BY CONSENSUS.

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ELEMENTS OF A RESOLUTION  
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13. WE BELIEVE THE U.S. SHOULD WORK TOWARD A RESOLUTION THAT INCLUDES THE FOLLOWING KEY ELEMENTS:

- CONDEMNATION OF GROSS HUMAN RIGHTS VIOLATIONS;
- SUPPORT FOR THE EFFORTS OF THE HCHR;
- APPOINTMENT OF A SPECIAL RAPPOREUR OR A TEAM OF EXISTING THEMATIC RAPPOREURS OR MECHANISMS (EXECUTIONS, DISAPPEARANCES, TORTURE, ETC.) TO VISIT AND INVESTIGATE HUMAN RIGHTS VIOLATIONS IN RWANDA. (IN PRIVATE CONVERSATIONS, BOTH AMNESTY INTERNATIONAL AND HRC CHAIRMAN PALTHE HAVE EXPRESSED A PREFERENCE FOR A TEAM RATHER THAN A RAPPOREUR. OUR INITIAL INCLINATION IS FOR A RAPPOREUR, WHICH IS GENERALLY CONSIDERED A STRONGER SANCTION AND WHICH WOULD HELP ENSURE

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CONTINUING ATTENTION TO THE PROBLEM.) THE HRC SHOULD SET A SHORT TIME LIMIT FOR THE RAPPOREUR OR INVESTIGATORY MECHANISM TO REPORT BACK TO MEMBERS.

- A REQUEST THAT THE SYG OR THE HCHR CONVEY THE

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RESULTING REPORT TO THE SECURITY COUNCIL;

- HOLDING INDIVIDUALS ACCOUNTABLE FOR CRIMES THEY HAVE COMMITTED;
- A CALL FOR A HUMAN RIGHTS ELEMENT TO BE INCLUDED IN ANY FORTHCOMING UN OPERATION IN RWANDA;  
(THIS WOULD BE IMPORTANT TO AVOID THE KIND OF UNFORTUNATE DISCONNECT WE HAVE SEEN IN

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SUBJECT: UN HUMAN RIGHTS COMMISSION: RECOMMENDATIONS

YUGOSLAVIA BETWEEN THE ICFY POLITICAL PROCESS  
AND THE UNHRC SPECIAL RAPPORTEUR.)

- URGING PROTECTION FOR PEOPLE STILL EXPOSED TO  
POSSIBLE VIOLENCE; AND
- AUTHORIZATION FOR A PROGRAM OF HUMAN RIGHTS  
ADVISORY SERVICES ONCE THE SITUATION IN RWANDA  
HAS STABILIZED.

14. WE ALSO STRONGLY SUPPORT THE CONCEPT OF HUMAN  
RIGHTS MONITORS FOR RWANDA, BOTH TO REPORT ON THE  
SITUATION AND FOR THEIR PROTECTIVE/PREVENTIVE IMPACT.  
WE CONSIDER IT ESPECIALLY IMPORTANT TO HAVE A CONTINUING  
HUMAN RIGHTS PRESENCE IN RWANDA BETWEEN SESSIONS OF THE  
COMMISSION AND VISITS BY SPECIAL RAPPORTEURS. WE WOULD  
PREFER, HOWEVER, FOR THE HIGH COMMISSIONER TO DECIDE TO  
SEND MONITORS WITHOUT SPECIFIC REFERENCE TO THE UNHRC.  
THE DEPARTMENT WILL RECALL THAT WE WORKED --  
UNSUCCESSFULLY -- IN THE UNGA TO INCLUDE IN THE HCHR'S  
MANDATE THE AUTHORITY TO SEND MONITORS. NOW THAT THE  
HCHR HAS ENDORSED THE CONCEPT OF MONITORS FOR RWANDA, IT  
WOULD SET AN EXTREMELY POSITIVE PRECEDENT FOR HIM TO ACT  
INDEPENDENTLY TO PUT THEM IN PLACE. WE PROPOSE TO  
EXPLORE WITH AYALA LASSO HIS VIEWS ON THIS AND TO  
ASCERTAIN WHETHER HE IS PREPARED TO PROCEED  
INDEPENDENTLY. IF NOT, THEN WE WOULD WORK TO WIN

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COMMISSION AUTHORIZATION FOR MONITORS.

15. (AN IMPORTANT FOLLOW-UP ISSUE ON MONITORS WILL BE THE QUESTION OF FUNDING. WE HAVE SEEN IN THE CASE OF IRAQ HOW UNHRC AUTHORITY FOR HUMAN RIGHTS MONITORS DOES NOT NECESSARILY TRANSLATE INTO ACTION ON THE GROUND. WE SHOULD CONSIDER WHETHER THE U.S. WOULD BE PREPARED TO MAKE ANOTHER VOLUNTARY CONTRIBUTION FOR HUMAN RIGHTS MONITORS, AS WE DID FOR THE YUGOSLAVIA PROGRAM. IF SO, WE WOULD WELCOME THE OPPORTUNITY TO DISCUSS WITH THE DEPARTMENT A NUMBER OF CONSIDERATIONS TO ENSURE THE MOST EFFECTIVE MODALITIES AND USES OF SUCH A CONTRIBUTION.)

16. AS REPORTED REFTTEL, THE CANADIAN LETTER REQUESTING A SPECIAL SESSION LEAVES OPEN THE QUESTION OF WHETHER BURUNDI, AS WELL AS RWANDA, CAN BE CONSIDERED. THIS MAY BE A SENSITIVE ISSUE; AFRICANS AND OTHERS MAY BE WARY OF A SPECIAL SESSION CALLED ESSENTIALLY TO DEAL WITH HUMAN RIGHTS VIOLATIONS IN ONE COUNTRY SPILLING OVER INTO ANOTHER. WE WILL PURSUE THIS ISSUE DISCREETLY. WE BELIEVE IT WOULD BE USEFUL FOR THE COMMISSION TO CALL FOR ADVISORY SERVICES AND PREVENTIVE MEASURES FOR BURUNDI. IF AYALA LASSO MAKES RECOMMENDATIONS ON BURUNDI, AS WE BELIEVE HE MAY, IT WILL BE EASIER TO INCLUDE BURUNDI IN THE RESOLUTION.

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PITFALLS  
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17. WE SHOULD BE PREPARED TO FACE DIFFICULT ISSUES  
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LIKELY TO BE RAISED BY OTHER DELEGATIONS, FOR EXAMPLE, WHETHER THE MASSACRES IN RWANDA CAN BE LABELED AS GENOCIDE. WE WOULD APPRECIATE PROMPT GUIDANCE ON THIS POINT. SOME AFRICANS ARE INFORMALLY FLOATING SUCH IDEAS FOR THE SPECIAL SESSION AS A CALL FOR AN INTERNATIONAL PEACE-KEEPING FORCE, HUMANITARIAN ASSISTANCE, RELIEF CORRIDORS, AND FINANCIAL CONTRIBUTIONS. OTHERS -- MAINLY WESTERN, ALTHOUGH WE ARE CERTAIN THE ASIANS WILL SHARE THE SENTIMENT -- HAVE CAUTIONED AGAINST THE COMMISSION INVOLVING ITSELF IN ISSUES THAT ARE IN THE PURVIEW OF THE SECURITY COUNCIL. ALL SEEM TO AGREE, SO FAR, THAT ANY ACTION BY THE UNHRC SHOULD COMPLEMENT SECURITY COUNCIL DECISIONS. THE STATUS OF SECURITY COUNCIL

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DELIBERATIONS ON RWANDA WILL HAVE A SIGNIFICANT IMPACT  
ON THE UNHRC. IF THE UNSC HAS NOT TAKEN STRONG ACTION

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ON RWANDA BY THE TIME OF THE SPECIAL SESSION, WE SHOULD EXPECT SOME UNHRC MEMBERS TO TRY TO USE THE SESSION TO EXERT PRESSURE ON THE SECURITY COUNCIL.

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ADDITIONAL SUGGESTIONS  
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18. UNHRC CHAIRMAN PLATHE HAS ASKED THAT WE PROVIDE HIM AS SOON AS POSSIBLE WITH ANY RECOMMENDATIONS WE HAVE FOR A SPECIAL RAPporteur. OUR LIST NEED NOT BE LIMITED TO AFRICANS, ALTHOUGH THERE WOULD BE ADVANTAGES TO HAVING AN AFRICAN RAPporteur. A POLITICAL-LEVEL INDIVIDUAL IN THE MOLD OF SPECIAL RAPporteurs MAZOWIECKI AND VAN DER STOEL WOULD LEND MORE PUBLICITY AND CREDIBILITY TO THE MANDATE. IF PLATHE IS TO NAME A SPECIAL RAPporteur, IT WOULD BE BEST FOR HIM TO DO SO BEFORE THE SPECIAL SESSION ADJOURNS, AS WAS DONE IN THE CASE OF YUGOSLAVIA. A DELAY WOULD RISK CREATING AN IMAGE OF COMMISSION IMPOTENCE OR DRIFT. NAMING A SPECIAL RAPporteur WITHIN THE NEXT WEEK, HOWEVER, WILL REQUIRE FAST AND CAREFUL GROUNDWORK TO ENSURE GOOD CANDIDATES ARE AVAILABLE AND WILLING TO SERVE.

19. THE SPECIAL SESSION WOULD CARRY MORE PUNCH IF ATTENDED BY SENIOR AFRICAN STATESMAN SUCH AS OAU SECRETARY GENERAL SALIM SALIM. IN VIEW OF OUR CLOSE  
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CONTACTS WITH SALIM ON RWANDA, WE HOPE THE U.S. WILL URGE HIM TO ATTEND. WE ALSO BELIEVE THAT ATTENDANCE BY REPRESENTATIVES OF THE NEW SOUTH AFRICAN GOVERNMENT COULD HAVE A POSITIVE IMPACT; WE HOPE THEY CAN BE URGED TO PARTICIPATE. ON THE DOWNSIDE, SENIOR AFRICAN ATTENDANCE WOULD MAKE THE SESSION LESS PREDICTABLE AND HARDER TO CONTROL.

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COMMENT  
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19. THE SITUATION ON THE GROUND HERE IN REGARD TO A SPECIAL SESSION IS STILL IN A STATE OF CONSIDERABLE FLUX. MUCH OF THE DIRECTION OF THE SESSION IS LKELY TO BE GUIDED BY THE RECOMMENDATIONS OF HCHR AYALA LASSO, WHO HAS NOT YET RETURNED FROM HIS TRIP TO THE REGION. WE WILL SEEK HIS VIEWS UPON HIS RETURN TO GENEVA. WE SHOULD, AS SOON AS POSSIBLE, SKETCH OUT OUR GENERAL GOALS FOR THE SESSION, INCLUDING ESPECIALLY THE ELEMENTS WE WOULD LIKE TO HAVE INCLUDED IN A RESOLUTION. THE DEPARTMENT SHOULD ALSO BEGIN TO DRAFT OUR SPEECH FOR THE SESSION -- WE ANTICIPATE THAT THE U.S. WILL BE ABLE TO DELIVER ONLY ONE INTERVENTION. TACTICALLY, THE U.S. DELEGATION SHOULD HAVE SUBSTANTIAL FLEXIBILITY TO DEAL WITH UNEXPECTED AND CHANGING CIRCUMSTANCES. FOR THE MOMENT, WE WOULD DO BEST TO PURSUE OUR OBJECTIVES IN AN ACTIVE BUT LOW-KEY MANNER WITH OTHER DELEGATIONS IN GENEVA, KEEPING THE CANADIANS IN THE LEAD.

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